Ca	se 07-04977-LT7	Filed 10/04/22	Entered 10	10/04/22 17:48:22	Doc 1293	Pg. 1 of	
1	Leslie T. Gladstone						
2	5656 La Jolla Blvd La Jolla, CA 92037						
3	(858) 454-9887 candic@flgsd.com						
4	Chapter 7 Trustee						
5							
6							
7							
8	UNITED STATES BANKRUPTCY COURT						
9	SOUTHERN DISTRICT OF CALIFORNIA						
10	In re:) Case No.: 07-049	977-LT7		
11 12	CREATIVE CAP	PITAL LEASING	j) Chapter 7			
13	GROUP, LLC,)) > EV DADTE ADI		NEOD	
14	Debtor.) EX PARTE API) ORDER AUTH) TO EMPLOY O	ORIZING T	TRUSTEE	
15) BARCLAY, CP.) AND EXHIBITS	A AS ACC(S	OUNTANT;	
16))			
17)			
18))			
19))			
20				VI OD VINITED		ANIZDIDECT	
21	TO THE HONORABLE LAURA S. TAYLOR, UNITED STATES BANKRUPTCY						
22	JUDGE: The applicant Leglie T. Cladatone ("Applicant" on "Tweetee"), tweetee of the abouten 7.						
23	The applicant, Leslie T. Gladstone ("Applicant" or "Trustee"), trustee of the chapter 7 estate of Creative Capital Leasing Gorup, LLC ("Debtor"), applies to this Court for an Order,						
2425	authorizing the employment of Office of C. R. Barclay, CPA ("OoCRB") as her accountant.						
26	Pursuant to Bankruptcy Rule 2012(a), the Applicant respectfully represents as follows:						
27	1. Debtor filed a voluntary Chapter 11 bankruptcy petition on September 10,						
28	2007 (the "Petition Date"). On October 10, 2008, the Court entered an order converting						
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				1			

- 2. Trustee's final account and certification that the estate has been fully administered was filed on June 13, 2018 and the Court closed the case on July 5, 2018.
- 3. On April 26, 2022, the Office of the United States Trustee ("UST") received correspondence from Trustee that informed she had received an offer to purchase the chapter 7 estate's rights under an equipment lease (that are secured by both a personal guarantee and lien on a third party's real property were acquired by the chapter 7 estate via a post-petition settlement with California Bank & Trust. Trustee contended that the Lease was not deemed abandoned by operation of 11 U.S.C. Section 554(c). In light of the foregoing, on June 7, 2022, UST filed a motion for order reporting chapter 7 case so that Trustee may investigate the estate's interest in unscheduled assets. The Court granted the UST's motion to reopen by order entered on June 10, 2022.
- **4.** Trustee is currently in the process of negotiating a settlement to resolve the rights acquired by Trustee under a prior settlement with California Bank & Trust. The settlement amount is estimated at \$50,000.00. The expected settlement proceeds exceed the minimum amount necessary for the filing of a tax return.
- **5.** Because the Debtor is also a Limited Liability Company, Trustee is required to file annual federal and state Limited Liability Company Tax Returns for the bankruptcy estate, without regard to whether or not the Debtor has income or operations.
- 6. In light of the foregoing, Trustee believes that the Estate requires the assistance of an accountant to prepare necessary federal and state Limited Liability Company Tax Returns requests for requisite tax clearances.
- **7.** As provided by Section 327(a) of the Bankruptcy Code, Applicant wishes to employ OoCRB as accountant for the estate.
- **8.** Applicant believes OoCRB is qualified to provide the following services as appropriate and without limitation:

- **a.** Advice and tax compliance services regarding the estate's tax liabilities and assistance with preparation of the estate's annual federal and state Corporation Income Tax Returns, as required, and associated requests for prompt assessment of taxes pursuant to 11 USC Section 505(b).
- **b.** Provide accounting related services, including reviewing banking and financial records; identifying and calculating the Debtor's tax attributes; and, performing other accounting services required by the estate attendant to identifying the estate's gross income and tax deductions, to enable preparation of the estate's income tax returns. And,
- **c.** Provide analysis and testimony in support of Trustee's motion for approval of administrative tax expenses, if any.
- **9.** Applicant desires to employ OoCRB as her accountant under 11 U.S.C. § 327(a), which provides:

Except as otherwise provided in this section, the trustee, with the court's approval, may employ one or more attorneys, accountants, appraisers, auctioneers, or other professional persons, that do not hold or represent an interest adverse to the estate, and that are disinterested persons, to represent or assist the trustee in carrying out the trustee's duties under this title.

- **10.** Based on the attached declaration, Applicant believes OoCRB is disinterested within the meaning of 11 U.S.C. § 101(14) on the matters on which it is to be employed.
- 11. Applicant and OoCRB have mutually agreed to affirmatively waive a written agreement concerning the terms of OoCRB's employment and, in lieu thereof, this application and the order thereon shall govern the terms of OoCRB's employment by Applicant.
- **12.** OoCRB has agreed to perform the required services at OoCRB's customary billing rates, effective as of January 1, 2022, which are as follows:

Christopher R. Barclay CPA \$395.00 Mary Lou Cunanan Para Prof. \$325.00

13. 1 In addition, Applicant has defined the following terms regarding OcCRB's employment: 2 3 a. Christopher R. Barclay is the accountant at OoCRB who will be primarily responsible for the services provided by OoCRB. 4 5 b. The Debtor's estate will be the source of funds for compensating OoCRB for services and reimbursing OoCRB for expenses. 6 7 **c.** Applicant will pay OoCRB from funds of the estate, for its fees and expenses for services pursuant to the same terms by which Applicant will pay its other 8 9 professionals in the case; that is after notice, application and a hearing. **14.** 10 Attached as Exhibit A is a copy of Mr. Barclay's CV. 11 **15.** Attached as Exhibit B is a copy of the proposed order concerning this 12 application. 13 **16.** For all of the foregoing reasons, Applicant believes it is in the best interest of the Estate that the Court approves the employment of OoCRB as accountant to the estate on 14 15 the terms and conditions set forth in this application. **17.** 16 WHEREFORE, Applicant requests that she be authorized to employ OoCRB 17 as accountant to the estate under 11 U.S.C. § 327(a). 18 19 20 DATED: October 4, 2022 Respectfully Submitted, 21 22 /s/ Leslie T. Gladstone 23 Leslie T. Gladstone, Chapter 7 Trustee 24 25 26 27 28

EXHIBIT "A"

EXHIBIT "A"

Christopher R. Barclay, MA, CPA, CIRA, ASA

Office of C. R. Barclay, CPA 5055 N. Harbor Dr, Suite 210 San Diego, CA 92106

SUMMARY

Mr. Barclay is a bankruptcy panel trustee in Southern California and has served as a fiduciary in other roles including as court appointed examiner with expanded powers, responsible natural person and disbursing agent. Mr. Barclay was appointed as a standing member of the chapter 7 trustee panel in the Southern District of California effective January 1, 2012. Before 2012, Mr. Barclay served as a standing member of the chapter 7 trustee panel in the Central District of California from 2004 through 2011.

Mr. Barclay conducts forensic accounting investigations concerning financial reporting and accounting practices and provides insolvency related consulting and expert testimony. Mr. Barclay's qualified testimony experience includes topics involving the sale of distressed businesses; business plan feasibility; valuation; tax consequences; cram-down interest rates; asset tracing and forensic accounting investigations.

Mr. Barclay's industry experience includes real estate, manufacturing, professional services, consumer goods and services and agri-business.

PROFESSIONAL EXPERIENCE

2011 to Present	Office of C.R. Barclay, CPA
2006 to 2011	LECG Director
1992 to 2006	Mack Barclay Inc. Shareholder (1994)
1986 to 1992	Steres Alpert & Carne Senior Manager
1985 to 1986	Nydam, Scholten & Stewart Senior Accountant
1982 to 1985	Scott & Gabriel Accountant

EDUCATION

Master of Arts, Economics, San Diego State University, 1988 Bachelor of Arts, Economics, California State University - Fullerton, 1984

LICENSES & PROFESSIONAL MEMBERSHIPS

Certified Public Accountant, California 1986
Certified Insolvency and Restructuring Advisor, AIRA, 1993
(Zolfo, Cooper Silver Medal Award Recipient, AIRA, 1993)
Accredited Senior Appraiser, Business Valuation, ASA, 2001
American Institute of Certified Public Accountants
California Society of Certified Public Accountants
American Bankruptcy Institute
Association of Insolvency and Restructuring Advisors
California Bankruptcy Forum
San Diego Bankruptcy Forum
Inland Empire Bankruptcy Forum
American Society of Appraisers

EXHIBIT "B"

EXHIBIT "B"

Case 07-04977-LT7 Filed 10/04/22 Entered 10/04/22 17:48:22 Doc 1293 Pg. 9 of **CSD 1001A** [07/01/18] 10 Name, Address, Telephone No. & I.D. No. Leslie T. Gladstone, Trustee 5656 La Jolla Blvd La Jolla, CA 92037 Telephone (858) 454-9887 **UNITED STATES BANKRUPTCY COURT** SOUTHERN DISTRICT OF CALIFORNIA 325 West F Street, San Diego, California 92101-6991 In Re BANKRUPTCY NO. 07-04977-LT7 CREATIVE CAPITAL LEASING GROUP, LLC Date of Hearing: [None Set] Time of Hearing: [None Set] Name of Judge: Hon. Laura S. Taylor Debtor.

ORDER ON TRUSTEE'S EX PARTE APPLICATION TO EMPLOY ACCOUNTANT

The court orders as set forth on the continuation pages a	attached and numbered <u>2</u> through <u>2</u> with			
exhibits, if any, for a total of 2 pages. Motion/Application Do	ocket Entry No			
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DATED:				
	Judge, United States Bankruptcy Court			

Case 07-04977-LT7 Filed 10/04/22 Entered 10/04/22 17:48:22 Doc 1293 Pg. 10 of CSD 1001A [07/01/18](Page 2) 10

ORDER ON TRUSTEE'S EX PARTE APPLICATION TO EMPLOY ACCOUNTANT DEBTOR: CREATIVE CAPITAL LEASING GROUP, LLC

Upon the Ex Parte Application of Leslie T. Gladstone, Chapter 7 Trustee, for authority to employ Office of C. R. Barclay, CPA, as provided by 11 U.S.C. §327 and F.R.B.P. 2014; and the Court finding that Office of C. R. Barclay, CPA is a disinterested party under 11 U.S.C. §327; further finding no objections being presented by the U.S. Trustee; and good cause appearing therefor;

CASE NO: 07-04977-LT7

IT IS HEREBY ORDERED, that the Chapter 7 Trustee shall be, and hereby is, authorized to employ Office of C. R. Barclay, CPA at the expense of the estate pursuant to the terms provided in the Application on file with the Court and all fees and costs will be paid pursuant to Court approval.

IT IS SO ORDERED.